

**STAFF REPORT
WENATCHEE HIGH SCHOOL TRANSITIONAL PROGRAM**

TO: City of Wenatchee Hearing Examiner
FROM: City of Wenatchee Department of Community and Economic
Development
RE: Conditional Use Permit: CUP2014-02
DATE: May 5, 2014

I. GENERAL INFORMATION

Applicant: Wenatchee School District

Owner: Wenatchee School District

SEPA Lead Agency: Wenatchee School District

Requested Action: The Wenatchee School District submitted a Conditional Use Permit application. The application proposes to use the structure at 236 Sunset Avenue for the Wenatchee High School Transitional Program as a teaching facility. The program is designed to enable students to learn skills associated with living and working in a community setting. Students would meet at Wenatchee High School and be transported via a van and/or large SUV to the subject site. The anticipated number of students is twelve with a support staff of six. Hours of operation would be Monday through Friday with typical school hours ending around three pm each day with students being transported back to Wenatchee High School.

A second component of the Conditional Use Permit is to allow the house at 236 Sunset Avenue to be removed / demolished for expansion into the existing play fields of Orchard Middle School. This event would occur at an unknown time in the future, only in the event the transitional program is relocated to another site.

Location: The subject project area is located at 236 Sunset Avenue. The subject property is identified by Chelan County Tax Parcel No: 22-20-04-410-600.

II. SITE INFORMATION

Site Characteristics: The subject site is approximately 0.21 acres in size and currently improved with a single family home originally built in 1952; a single car garage is attached to the home. The site is flat and consistent in appearance and size to that of other residential properties in the surrounding area.

Utilities / Services:

Sanitary Sewer: City of Wenatchee
Domestic Water: City of Wenatchee

Power/Electricity: Chelan County P.U.D.
Fire Protection: Wenatchee Fire Department
Police Protection: Wenatchee Police Department

Access: Access to the subject site is from Sunset Avenue. The adjoining right-of-way frontage is improved with a curb, no sidewalk, and a single vehicle driveway curb cut.

Surrounding Properties:

North: To the north is a single family residence fronting on 3rd Street. Beyond the single family home is 3rd Street and beyond are single family residences. The area to the north is zoned RH (Residential High).

South: To the south is the Orchard Middle School campus / parking lot / playfield; the property is zoned RM (Residential Moderate).

East: To the east is the Wenatchee School District Administration building; the property is zoned RM.

West: To the west is the Orchard Middle School play field; the area is zoned RM.

III. APPLICABLE POLICIES AND DEVELOPMENT REGULATIONS

The proposed action is subject to land use policies and provisions of the City of Wenatchee Comprehensive Plan and zoning and development regulations of the Wenatchee City Code.

Comprehensive Plan

In addition to the general goals and policies of the Growth Management Act and Wenatchee Urban Area Comprehensive Plan which state growth shall take place where adequate public facilities exist and are able to serve existing and future growth, the following goals and policies set forth in the comprehensive plan are relevant to this development:

Civic Life – Goals and Policies – pg. 66

Policy 5: Encourage continuing education and lifelong learning opportunities through local agencies, universities and organizations.

Residential Development – Goals and Policies – pg. 16

Policy 6: New non-residential development in existing residential neighborhoods should be designed (landscaping and building design) and operated (traffic, noise, lighting, hours) to be compatible with the existing neighborhood.

Definitions:

Wenatchee City Code (WCC) Section 10.08.080, defines "School" as:

"School" means an institution of learning, whether public or private, which offers instruction. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education. A vocational or professional institution of higher education, including a community or junior college, college, or university, is defined under "institution of higher education."

Zoning and Development Standards: The subject property is located in the Residential Moderate (RM) zoning district.

Land Uses: WCC 10.10

"Schools" are permitted as a Conditional Use in the RM Zoning District.

Development Standards: WCC 10.46.020

Setbacks in the RM Zoning District:

25' from the front property line plus any required additional public right-of-way.
20' rear yard, 5' side yard, maximum building height is 2 stories and 30 feet.

Conditional Use Permit Requirements and Criteria:

All conditional use permit applications must meet the general requirements in WCC 10.65.050 and be evaluated by WCC 10.65.060 "General Criteria". In addition to the above general evaluation criteria, the following specific provisions of WCC Section 10.65.280, "Schools" are applicable.

- (1) All playground areas shall be enclosed by a fence or equivalent containment structure built to the maximum height allowed in the underlying zoning district for fences;
- (2) Minimum Setback Distance.
 - (a) Front yard: same as required in the underlying zoning district;
 - (b) Rear and side yard: same as required in the underlying zoning district, plus one-half foot for each foot by which the building height exceeds 20 feet where a rear or side yard adjoins an RF, RS, RL or RM district;

- (3) Maximum building height, RS, RL and RM: 40 feet. Other districts: same as the height limitation of the zoning district for other buildings;
- (4) All bus loading and unloading areas shall be located off the public right-of-way;
- (5) Landscaping and Screening. The development shall comply with WCC Chapter 10.62, "Landscaping and Screening", as amended;
- (6) Any proposed reader boards/electronic message centers shall be reviewed as part of the conditional use permit;
- (7) Architectural Scale. New nonresidential buildings in the RS, RL, RM, and RH zoning districts shall meet WCC 10.48.080(4). Deviations to these standards may be considered where the applicant can demonstrate that the change or deviation in design is either necessary due to the inherent function of the facility, and/or the change provides for equal or greater compatibility with the character of the surrounding neighborhood. Consideration of such a deviation shall include an informal design review workshop recommendation of the planning commission, where input from the surrounding neighborhood shall be solicited, and incorporated in staff analysis before the hearing examiner.

WCC Chapter 10.62, "Landscaping and Screening"

WCC 10.62.020 Applicability.

(1) This chapter shall apply to all permitted, accessory, and conditional uses, except as provided for in subsection (2) of this section. Specifically, this chapter shall apply to:

(c) All nonresidential development in any residential zoning classification.

WCC 10.62.100 Residential zones and WMU recreational/residential overlay.

(2) Street Frontage Landscaping.

(a) A 10-foot-wide (average) area of landscaping within the front yard shall be required for multifamily and nonresidential development.

(d) Ground cover pursuant to the general landscape material requirement set forth in WCC [10.62.060](#)(4) shall be provided; however, grass can be used as 100 percent ground cover.

(3) Perimeter Landscape Screening.

(a) Perimeter landscape screening shall be required along the perimeter of the property, except along street frontage as required above.

(b) Perimeter screening shall be at least six feet in width. Alternative compliance associated with six-foot buffer next to a park is prohibited.

(c) The perimeter landscape screening shall provide visual relief by obstructing storage and refuse areas 100 percent from view and parking lots 80 percent from view from property abutting, adjoining, or facing a development subject to this section.

(d) The perimeter screening shall generally consist of a mix of evergreen plantings, deciduous trees, shrubs, ground cover, and/or fencing.

(i) No more than 60 percent of the trees shall be deciduous.

- (ii) Trees shall be planted at intervals no greater than 30 feet on center, unless plantings are clustered into groups. Then the plantings shall be planted at intervals no greater than 90 feet, but in no event less than one tree per 30 feet.
- (iii) Consideration to terrain (slope) shall be given when applying these requirements and developing landscape plans.

Shorelines: The subject site is outside of the 200' shoreline jurisdiction.

Resource Lands and Critical Areas: The subject site is not identified within the current critical area maps used by the City.

IV. PUBLIC NOTICE AND ENVIRONMENTAL REVIEW

Application Submitted:	03/04/2014
Determination of Completeness issued:	03/28/2014
Notice of Application:	Notice was mailed to property owners/taxpayers within 350 feet of the subject property on 04/02/2014.
Notice of Public Hearing:	Notice was mailed to property owners/taxpayers within 350 feet of the subject property on 04/02/2014 and published in the Wenatchee World newspaper on 04/18/2014.
Public Hearing:	The public hearing is scheduled for 05/05/2014 at 4:00 p.m. at Wenatchee City Hall, Council Chambers, located at 129 S. Chelan Avenue, Wenatchee, WA.

The Notice of Application / Notice of Hearing was referred to the below jurisdictional agencies and departments of the City on 04/08/2014. Agency comments have been included as attachment "A".

Agencies Notified	Response Rec'd Date	Agencies Notified	Response Rec'd Date
Wenatchee Reclamation District (Alice Meyer)		Department of Natural Resources – (Tracy Dunning)	
Department of Fish and Wildlife (Constance Iten)		City of Wenatchee Public Works (Donald Nelson)	
Washington State Department of Archaeology & Historic Preservation (Greg Griffith)		Chelan County P.U.D. – Engineering (John Goodwill)	

Chelan County Public Works (Cindy Grubb)		City of Wenatchee Environmental Department (Jessica Shaw)	
Washington State DOT (Cynthia McGlorthern)	04/08/2014	Department of Ecology (Glen Clear / Gary Graff)	
Chelan County P.U.D. (Tracy Dunning)	04/10/2014	Frontier Communications (Sean Whitesitt)	
Charter Communications (Ty Marshall)		Wenatchee Fire Marshall (Mark Yapple)	
USPS (Ron Andrus)		Chelan / Douglas Health District	

Public Comments:

Environmental Review includes SEPA (State Environmental Policy Act)

The Wenatchee School District is the lead agency for environmental review of the proposal. The District prepared and circulated a SEPA checklist on March 21, 2014 and issued a determination of Non-Significance on 04/07/2014.

VI. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable city code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive plan consistency:

The applicant's proposal for establishing an educational facility for its transitional program meets the intent of Policy 5 under the Civic Life Chapter which is to "encourage continuing education and lifelong learning opportunities through local agencies, universities and organizations."

The proposed use as a transition program for special needs students meets the above criteria for lifelong learning opportunities. Students of the proposed facility would learn critical skills for being productive members of society.

Policy 6 under Residential Development states that "new non-residential development in existing residential neighborhoods should be designed (landscaping and building design) and operated (traffic, noise, lighting, hours) to be compatible with the existing neighborhood."

In regard to policy 6 above, the applicant is proposing minimal exterior modifications to the existing residential structure for the conversion to an

instructional facility. Internal improvements are required to meet current building code / ADA standards. As an existing residential structure, the building is designed to be compatible with the existing neighborhood and will remain so as the instructional facility. The incorporation into the adjoining playfield will continue an existing compatible use to the surrounding residents that of Orchard Middle School. Impacts associated with traffic, noise, lighting, and hours are proposed to be consistent with the surrounding neighborhood.

Consistency with the provisions of the Specific and General Conditional Use Criteria for Schools:

WCC 10.65.280 Schools

Analysis: Phase I: Conversion of Residence to instructional facility:

The backyard is proposed to be a playground area and is currently enclosed by fencing.

No additions or modifications to the existing exterior are proposed. The structure is legally conforming to the setback, height, and lot coverage provisions for the RM zoning district.

No bus loading and unloading areas are proposed with the application. Students are transported to and from the site from Wenatchee High School by one or two vehicles. The existing driveway may serve as the unloading area outside of the public right-of-way. Parking for the transportation vehicles is available in the parking lot of Orchard Middle School or at the Administration building; the subject property is abutted by both. Employees will be parking at the Wenatchee High School.

The existing landscaping (see attached photos) is compatible with a residential setting and meets the intent of the landscaping chapter. Strict interpretation of the landscaping code would be out of character with the current residential design of the site and building.

No signage is proposed with the applied for use.

The existing building was originally designed as a residential structure. No substantial modifications are proposed to the exterior of the structure and it will maintain its residential appearance.

Phase II: Incorporation of property into Orchard Middle School's playfield:

Outside applicable building and utility connection permits/reviews, the conversion of the property to a school playfield at some time in the future will have no additional impact on adjoining properties. The

Wenatchee City Code, Title 10 Zoning, has no additional requirements for Phase II, the conversion to a playfield, beyond those being addressed in Phase I.

WCC 10.65.060 Conditional Use Permit Criteria

Analysis: The requirements of the specified use, the requirements of the Residential Moderate Zoning District, and consistency with the Comprehensive Plan are addressed in the analysis above.

The proposal is consistent the surrounding residential uses, which are predominately single family residences. The surrounding area also includes Orchard Middle School, its associated play fields, and Wenatchee School District Administrative offices.

The proposal as a transitional program for special needs students is consistent with the adjacent Orchard Middle School. The residential architectural of the existing house is not proposed to be modified and will continue to compliment the other surrounding residential structures. During transition to Phase II where the property will be incorporated into the Orchard Middle School playfields, the phase will maintain the consistency with surrounding uses and properties.

The entire proposal (Phase I and Phase II) will not create nuisances to the public or nearby properties such as odor, lighting, dust, and will be consistent with noise generated similar to that of a family with children and a middle school playfield.

Any required building code upgrades, requirements for demolition, and/or days and hours of operation are designed to prevent adverse impacts affecting the public health, safety, and welfare of both the proposed occupants and surrounding structures for both phases of the proposal.

Both Phases of the proposal will be required to follow any building permit criteria and any / all other regulations found within the current city code.

WCC 10.65.050 General Conditional Use Permit requirements

Analysis: As the project pertains to the general conditional use permit requirements found in WCC 10.65.050, staff recommends for the type of building, use of the building, and the proposed long term plan to incorporate the property into the Orchard Middle School playfields that the conditional use permit be personal to the Wenatchee School

District and not be transferrable. The City recommends this as a condition on the permit.

The Wenatchee School District has identified in this application the desire to start work immediately, which will meet the requirement to act upon the permit within three (3) years.

Staff recommends that requirements of WCC 10.65.050 (3) and (4) be placed as conditions to the permit for compliance purposes.

VII. RECOMMENDATION

As conditioned below, this application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 10 of the Wenatchee City Code. Staff recommends **approval** of CUP2014-02 subject to the following findings of fact and conditions:

This recommendation is based on the following findings of fact:

1. An application was submitted by the Wenatchee School District on March 04, 2014 for a Conditional Use Permit: School.
2. The application is to convert a single family residence into an educational facility for the Wenatchee High School Transitional Program. The building will be remodeled to provide educational training for students transitioning from school to the living on their own.
3. The application has been processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050; a public hearing is required for the application – to occur May 05, 2014.
4. A pre-application meeting was held on March 17, 2014.
5. The subject property is located within the Residential Moderate (RM) zoning district.
6. The Wenatchee Urban Area Comprehensive Plan land use designation is RM.
7. The proposed action is located directly south of the property addressed 236 Sunset Avenue. The subject property is identified by Chelan County Tax Parcel No: 22-20-04-410-600.
8. The subject property is approximately 0.21 acres in size.
9. The applicant / property owner is Wenatchee School District.
10. Schools are permitted as a Conditional Use in the RM zoning district.
11. The proposal is consistent with the provisions of Title 10 Zoning.

12. The Wenatchee School District maintained SEPA lead agency status per WAC 197-11-924. The SEPA checklist was routed for comment on March 21, 2014. A DNS was issued on April 07, 2014 with a comment period through April 21, 2014.
13. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.
14. No public comment was received.
15. The Wenatchee Hearing Examiner conducted a public hearing on May 05, 2014.
16. Agency comments were received from:
 - WSDOT stating no concerns. Received 04/08/2014
 - Chelan County PUD stating no comment. Received 04/10/2014.
17. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

This recommendation is based upon the following suggested conclusions:

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.280 "Schools".
4. The conditional use permit will be specific to the applicant.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Comments from the public and reviewing agencies have been considered and addressed where appropriate.
7. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
8. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
9. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.
10. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.

11. Public use and interests will be served by approval of this proposal.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

This recommendation is based upon the following suggested conditions of approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
4. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
5. The conditional use permit will be personal to the Wenatchee School District. The permit is nontransferable to other persons or entities.
6. The conditional use permit only applies to 236 Sunset Avenue, also identified as Assessor Parcel Number 22-20-04-410-600, for which it is issued.
7. The Wenatchee School District shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.
8. Additional requirements for Phase II:
 - a. The District is responsible for obtaining all building and utility permits and approvals from the City of Wenatchee.
 - b. The existing perimeter fencing and landscaping adjoining 240 Sunset Avenue be maintained.

Respectfully Submitted,

Brian Frampton
Associate Planner

Attachments